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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HARVEY L. WERNER REVOCABLE TRUST
U/A/D 8/31/82, AS AMENDED; VIOLET M.
WERNER, individually and in her capacity as Co-
Trustee of the Harvey L. Werner Revocable Trust
u/a/d 8/31/82, as amended; JEFFREY R. WERNER,
in his capacity as Co-Trustee of the Harvey L. Werner

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04361 (SMB)

Revocable Trust u/a/d 8/31/82, as amended; WENDY
WERNER BROWN, in her capacity as Co-Trustee of
the Harvey L. Werner Revocable Trust u/a/d 8/31/82,
as amended,

Defendants.

NOTICE OF MEDIATION REFERRAL

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010, Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on November 30, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, the Trustee and Defendants may jointly agree to enter mediation prior to or upon completion of discovery without further court order. Avoidance Procedures, ¶ 5A. Through this Notice of Mediation Referral, the Trustee and Defendants (the “Parties”) hereby state that they agree to be referred to mandatory mediation at this time, prior to the completion of discovery, and that all Case Management Deadlines are hereby stayed.

Pursuant to the Avoidance Procedures, the Parties agree that within 14 calendar days after the filing of this Notice of Mediation Referral, the Parties shall choose a mediator in accordance with the Mediation Order. If the Parties are unable to agree on a mediator, the Court shall appoint

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

one in accordance with the Mediation Order. Avoidance Procedures, ¶ 5C.

Dated: New York, New York
July 23, 2018

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona

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